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3 February 1978

P. J. Reginald

MEMORANDUM FOR: Executive Officer/Office of Economic Research

STAT FROM :
Assistant General Counsel

SUBJECT : Proposed Title II of Intelligence Charter Legislation

1. As I told you in our telephone conversation on 2 February 1978, it appears this legislation as drafted would not allow the initiation of any collection effort designed to gather information concerning a U.S. person within or outside the U.S., for foreign intelligence purposes except as provided in Section 215 (page 14). That section now provides for such collection only as to three categories of U.S. persons (defined to include U.S. citizens, permanent resident aliens, unincorporated associations organized in the U.S., and U.S. corporations): i.e., a U.S. person who already is the subject of a counterintelligence or counterterrorism effort (as authorized by Section 214), a U.S. person whose activities as an officer or employee abroad of a foreign power (defined to include a foreign government, corporation, or group) constitute significant foreign intelligence, or a U.S. person who is a fugitive from justice and whose contacts abroad constitute significant foreign intelligence.

2. The potential difficulty I see here is that there is no provision for initiation of (as opposed to incidental) collection directed against a U.S. person, individual or corporate, within or outside the U.S., even when the information desired or obtained may constitute significant foreign intelligence. It may be there is no need for such authority as to U.S. individuals or groups - especially since there is separate authority regarding counterintelligence (§214), target of foreign powers (§217), espionage suspects (§218), potential sources (§219), and security cases (§220) - but by copy of this memorandum, I am requesting the DDO to respond to the same questions concerning such individuals as are posed in paragraph 3 concerning U.S. corporations.

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